



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMS
Docket No: 3406-08
8 January 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 January 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

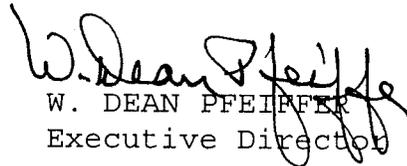
On 9 January 2002, you enlisted in the Navy at age 18. On 4 June 2004, you received a performance evaluation which stated that you failed your last two Physical Fitness Assessments (PFA) and were not within weight standards. On 22 December 2004, you had nonjudicial punishment (NJP) for driving while intoxicated. On 1 February 2005, you received a performance evaluation which stated that you were delinquently working on divisional qualifications. On 8 January 2006, you were honorably discharged due to the completion of required active service and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to service members who are honorably discharged and are not recommended for retention or fail to meet professional growth criteria. Given your NJP, PFA failures, and lack of divisional qualifications, and since you have been treated no differently than others in your situation, the Board could not

find an error or injustice in the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director